

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 10-2000)		ATTORNEY'S DOCKET NUMBER <b>MXI-160US</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C.371</b>		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/031722</b>
INTERNATIONAL APPLICATION <b>PCT/US00/20272</b>	INTERNATIONAL FILING DATE <b>25 July 2000 (25.07.00)</b>	PRIORITY DATE CLAIMED <b>29 July 1999 (29.07.99)</b>
TITLE OF INVENTION <b>HUMAN MONOCLONAL ANTIBODIES TO HER2/NEU</b>		
APPLICANT(S) FOR DO/EO/US <b>Tibor KELER, et al.</b>		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C.371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
- ☒ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
- ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - ☐ is attached hereto (required only if not communicated by the International Bureau).
  - ☒ has been communicated by the International Bureau.
  - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C 371(c)(2)).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - ☐ are attached hereto (required only if not communicated by the International Bureau).
  - ☐ have been communicated by the International Bureau.
  - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - ☒ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). **(unexecuted) (4 Sheets);**
- ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98;
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included
- ☐ A FIRST preliminary amendment;  
☐ A SECOND or SUBSEQUENT preliminary amendment.
- ☐ A substitute specification.
- ☐ A change of power of attorney and/or address letter.
- ☒ Other items or information: **PCT International Published Application (WO 01/09187 A2) (without International Search Report attached) (113 sheets); Corrected Version of Cover Sheet of PCT International Application (WO 01/09187 A3) (with International Search Report attached) (7 sheets); The International Preliminary Examination Report (17 sheets); Check for \$3496 based on large entity status; Certificate of First Class Mailing (1 sheet); and Return Postcard.**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/031722</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US00/20272</b>		ATTORNEY'S DOCKET NO. <b>MXI-160US</b>	
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17. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) .(a/o November 1, 2000):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$1040  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....\$890  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.455(a)(2)) paid to USPTO .....\$740  International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4).....\$710  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4).....\$100  <div style="text-align: center;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>				<b>CALCULATIONS    PTO USE ONLY</b>          <div style="display: flex; justify-content: space-between;"> <span>\$890.00</span> <span></span> </div>	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00	
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>		
Total claims	58-20 =	38	X \$18.00	\$684.00	
Independent claims	21-3 =	18	X \$84.00	\$1512.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 280.00	\$280.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$3496.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				\$3496.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$3496.00	
				Amount to be: refunded	\$
				charged	

a. ☒ Check in the amount of \$ 3496.00 to cover the above fees is enclosed.

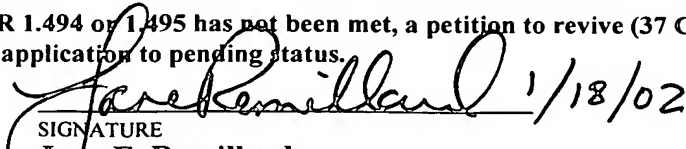
b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**Jane E. Remillard Esq.**  
**LAHIVE & COCKFIELD, LLP**  
**28 State Street**  
**Boston, Massachusetts 02109**  
**United States of America**  
**(617)227-7400**  
**Date: 18 January 2002**

  
 SIGNATURE  
**Jane E. Remillard**  
 NAME  
**38,872**  
 REGISTRATION NUMBER

10/031722

113 Rec'd PCT/PTO 18 JAN 2002

(Atty. Docket No.: MXI-160US)

IN THE UNITED STATES PATENT DESIGNATED OFFICE (DO/US)  
(National Phase of International Appln.: PCT/US00/20272,  
Publication No. WO 01/09187 A2)

In re the  
application of: Tibor KELER, *et al.*

International Application No.: PCT/US00/20272

International Filing Date: 25 July 2000

U.S. Serial No.: Not yet assigned

Filed: Herewith

For: HUMAN MONOCLONAL ANTIBODIES  
TO HER2/NEU

Attorney Docket No.: MXI-160US

Commissioner for Patents  
BOX PCT  
Washington, D.C. 20231

Certification Under 37 CFR 1.10

I hereby certify that the attached:

Transmittal Letter (2 sheets in duplicate); Unexecuted Declaration, Petition and Power of Attorney (4 sheets); PCT International Published Application (WO 01/09187 A2) (without International Search Report attached) (113 sheets); Corrected Version of Cover Sheet of PCT International Application (WO 01/09187 A3) (with International Search Report attached) (7 sheets); International Preliminary Examination Report (17 sheets); Check for \$3496 based on large entity status; Certificate of First Class Mailing (1 sheet); and Return Postcard are being deposited by me with the United States Postal Service "Express Mail Post Office to Addressee" service, Mailing Label No. EL 939 866 263 US, under 37 CFR 1.10 on the date indicated below and is addressed to the Box PCT, Commissioner for Patents, Washington, D.C. 20231.

Date: 18 January 2002

Name: Larry Taylor

Signature: Larry Taylor